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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

RUBEN MEDRANO, JR.,

Defendant and Appellant.

E071279

(Super.Ct.No. FVI18001399)

OPINION

APPEAL from the Superior Court of San Bernardino County. Corey G. Lee,  
Judge. Affirmed.

Tyrone A. Sandoval, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Ruben Medrano, Jr., was charged by second amended information with carrying a dirk or dagger concealed upon his person. (Pen. Code,<sup>1</sup> § 21310, count 1.) The information also alleged that he had one prior strike conviction (§§ 1170.12, subds. (a)-(d) & 667, subds. (b)-(i)), and that he had served three prior prison terms (§ 667.5, subd. (b)). A jury found defendant guilty. A trial court subsequently found true the prior strike conviction and the prison prior allegations. Defendant filed a motion to dismiss his prior strike conviction pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, which the court denied. The court then sentenced defendant to two years, doubled pursuant to the prior strike, for a total of four years in state prison. It struck the prior prison allegations in furtherance of justice pursuant to section 1385. The court found that defendant did not have the ability to pay appointed counsel fees. It also suspended the \$300 restitution fine under section 1202.45, pending successful completion of parole. However, it imposed a court operations fee of \$40, a convictions assessment fee of \$30, and a \$300 restitution fee under section 1202.4.

Defendant filed a timely notice of appeal. Appellate counsel later requested the court to correct clerical errors in the abstract of judgment and sentencing minute order, which the court granted. The court subsequently stayed the court operations assessment fee, the convictions assessment fee, and the restitution fee under section 1202.4, based on

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<sup>1</sup> All further statutory references will be to the Penal Code, unless otherwise noted.

defendant's inability to pay pursuant to *People v. Duenas* (2019) 30 Cal.App.5th 1157. We affirm.

### FACTUAL BACKGROUND

On May 24, 2018, at approximately 3:30 a.m., a police officer was on patrol in a high crime area known for burglaries, when he observed defendant in front of a house. It was dark. Defendant looked nervous and was moving around rapidly. The officer got out of his patrol car and began speaking with defendant. He asked what he was doing, and defendant said he was working on the house. The officer found the response questionable, since it was about 3:30 in the morning, the house appeared abandoned, it did not appear that work was being done on the house, and he did not see any tools to do construction. The officer asked him if he had any identification, and defendant was unable to provide any. The officer was standing about three feet away from defendant and asked if he had any weapons on him, for officer safety purposes. Defendant said he had a knife in his left front pocket, and the officer asked if he (the officer) could hold onto it while they talked. Defendant said yes. The officer asked if he could pull the knife out of his pocket, and defendant said yes. Defendant showed him where the knife was, and the officer reached into his pocket cautiously and pulled it out. The knife was approximately five inches long, could not be folded, and was sharp.

At trial, the officer testified that he had been through a special training program on knives. He testified that defendant's knife was a fixed-blade knife that could not be closed or put safely away, unless it was in a sheath or other carrying device. Defendant

did not have a sheath. The officer described the knife as “ready use,” since defendant very easily could have pulled it out of his pocket and used it. The officer testified that the knife could cause puncture wounds and deep lacerations, cause great bodily harm, and potentially kill someone.

### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and a few potential arguable issues: (1) whether the court erred in admitting defendant’s prearrest statements in response to the police officer’s questions, in violation of his *Miranda*<sup>2</sup> rights; (2) whether there was sufficient evidence to support the conviction; and (3) whether the court erred in denying his *Romero* motion. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

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<sup>2</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.

DISPOSITION

The judgment is affirmed.

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McKINSTER  
Acting P. J.

We concur:

CODRINGTON  
J.

MENETREZ  
J.